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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID L. DEARING,

 Petitioner,

 v.

SHERIFF JOE LOMBARDO, et al.,

 Respondents.

Case No. 2:17-cv-02937-RFB-PAL

ORDER

Petitioner David L. Dearing has submitted a *pro se* 28 U.S.C. § 2254 petition for a writ of habeas corpus. His application to proceed *in forma pauperis* shall be granted. The court has reviewed the petition pursuant to Habeas Rule 4, and it shall be docketed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

1 This court inadvertently directed that the Nevada Attorney General be added to the
2 docket and served with the petition (*see* ECF No. 4). That order is vacated, and the petition shall
3 be served on Clark County Sheriff Joe Lombardo.
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5 **IT IS THEREFORE ORDERED** that this court's order dated June 19, 2018 (ECF No.
6 4) is **VACATED**.

7 **IT IS FURTHER ORDERED** that petitioner's application to proceed *in forma pauperis*
8 (ECF No. 1) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that the Clerk **shall file** the petition (ECF No. 1-1).

10 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ISSUE** summons for
11 respondent Clark County Sheriff Joseph Lombardo, **AND DELIVER THE SAME**, to the U.S.
12 Marshal for service. The **Clerk SHALL SEND** to petitioner the USM-285 form. The **Clerk**
13 **also SHALL SEND** a copy of the petition and a copy of this order to the U.S. Marshal for
14 service on respondent. Petitioner shall have **30 days** within which to furnish to the U.S. Marshal
15 the required USM-285 form with relevant information as to respondent on each form. Within 20
16 days after receiving from the U.S. Marshal a copy of the USM-285 form showing whether
17 service has been accomplished, petitioner must file a notice with the court indicating whether
18 respondent was served. If petitioner wishes to have service again attempted on an unserved
19 respondent, then a motion must be filed with the court identifying the unserved respondent and
20 specifying a more detailed name and/or address for said respondent, or whether some other
21 manner of service should be attempted.

22 **IT IS FURTHER ORDERED** that henceforth, petitioner shall serve upon respondents
23 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
24 motion or other document submitted for consideration by the court. Petitioner shall include with
25 the original paper submitted for filing a certificate stating the date that a true and correct copy of
26 the document was mailed to respondent or counsel for respondent. The court may disregard any
27 paper received by a district judge or magistrate judge which has not been filed with the clerk, and
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1 any paper received by a district judge, magistrate judge or the clerk which fails to include a
2 certificate of service.

3 **IT IS FURTHER ORDERED** that respondents shall file a response to the petition,
4 including potentially by motion to dismiss, within **30 days** of service of the petition, with any
5 requests for relief by petitioner by motion otherwise being subject to the normal briefing
6 schedule under the local rules.

7 **IT IS FURTHER ORDERED** that petitioner shall have **45 days** from service of the
8 answer, motion to dismiss, or other response to file a reply or opposition, with any other requests
9 for relief by respondents by motion otherwise being subject to the normal briefing schedule
10 under the local rules.

11 **IT IS FURTHER ORDERED** that any additional state court record exhibits filed herein
12 by either petitioner or respondents shall be filed with a separate index of exhibits identifying the
13 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
14 number of the exhibit in the attachment.

15 **IT IS FURTHER ORDERED** that the parties SHALL SEND courtesy copies of all
16 exhibits in this case to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, directed to the
17 attention of "Staff Attorney" on the outside of the mailing address label. Additionally, in the
18 future, all parties shall provide courtesy copies of any additional exhibits submitted to the court in
19 this case, in the manner described above.

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21 DATED: October 16, 2018.

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24 RICHARD F. BOULWARE, II
25 UNITED STATES DISTRICT JUDGE
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